

CINDY A. COHN (SBN 145997)
cindy@eff.org
MARCIA HOFMANN (SBN 250087)
marcia@eff.org
HANNI FAKHOURY (SBN 252629)
hanni@eff.org
ELECTRONIC FRONTIER FOUNDATION
454 Shotwell Street
San Francisco, CA 94110
Telephone: (415) 436-9333
Fax: (415) 436-9993 (fax)

Attorneys for *Amicus Curiae*
Electronic Frontier Foundation

UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF CALIFORNIA
SAN FRANCISCO DIVISION

FACEBOOK, INC.,

Plaintiff,

v.

POWER VENTURES, INC.,

Defendant.

Case No. 5:08-cv-05780 JW

**DECLARATION OF MARCIA
HOFMANN IN SUPPORT OF MOTION
FOR LEAVE TO FILE BRIEF OF
AMICUS CURIAE ELECTRONIC
FRONTIER FOUNDATION IN SUPPORT
OF DEFENDANT POWER VENTURES'
MOTION FOR SUMMARY JUDGMENT
ON COUNT 1 (CAN-SPAM ACT,
15 U.S.C. § 7704) AND UNDER
CALIFORNIA PENAL CODE § 502 AND
THE COMPUTER FRAUD AND ABUSE
ACT**

Date: January 23, 2012

Time: 9:00 a.m.

Courtroom 9, 19th Floor

Hon. Judge James Ware

1 I, Marcia Hofmann, declare and state:

2 1. I am Senior Staff Attorney at the Electronic Frontier Foundation. I am a member in
3 good standing of the California State Bar, and am admitted to practice before this Court. I have
4 personal knowledge of the matters stated this declaration. If called upon to do so, I am competent
5 to testify to all matters set forth herein.
6

7 2. Counsel for defendant Power Ventures, L. Timothy Fisher, has represented that
8 Power Ventures consents to the filing of this amicus brief.

9 3. Counsel for plaintiff Facebook, Neel Chatterjee, has represented that Facebook
10 opposes the filing of this amicus brief.

11 I declare under penalty of perjury of the laws of the State of California that the foregoing is
12 true and correct to the best of my knowledge and belief. Executed January 17, 2012 in San
13 Francisco, California.
14

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16 /s/ Marcia Hofmann
17 Marcia Hofmann
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CERTIFICATE OF SERVICE

I hereby certify that on January 17, 2012, I electronically filed the foregoing document with the Clerk of the Court, using the CM/ECF system, which will send notification of such filing to the counsel of record in this matter who are registered on the CM/ECF system.

Executed on January 17, 2012, in San Francisco, California.

/s/ Marcia Hofmann

Marcia Hofmann